

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

In re: ) Chief Judge Catherine J. Furay  
)  
CHARLES MARCELL BELLCOUR and ) Case No. 3-22-10555  
MARILYN ANN BELLCOUR, )  
) Chapter 7  
Debtors. )

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PATRICK S. LAYNG, )  
United States Trustee, )  
)  
Plaintiff, ) Adversary No. 22-00059-CJF  
)  
v. )  
)  
CHARLES MARCELL BELLCOUR and )  
MARILYN ANN BELLCOUR, )  
)  
Defendants. )

**PLAINTIFF'S MOTION FOR  
ENTRY OF DEFAULT AND DEFAULT JUDGMENT**

The plaintiff, Patrick S. Layng, United States Trustee for the Western District of Wisconsin ("Plaintiff"), by his attorney Brian P. Thill, respectfully requests that the Court enter an order of default and default judgment against the debtor-defendants, Charles Marcell Bellcour and Marilyn Ann Bellcour ("Defendants"). In support the United States Trustee states:

1. The Plaintiff filed a complaint and an amended complaint in this adversary case against the Defendants seeking denial of their discharges under 11 U.S.C. § 727(a) on December 30, 2022, and January 19, 2023, respectively. (*See* Dkt. 1; Dkt. 5.)

2. The Court issued a summons and amended summons on the complaint and amended complaint on December 30, 2022, and January 19, 2023, respectively. (*See* Dkt. 2; Dkt. 6.)

3. The Plaintiff served the Complaint, Amended Complaint, Summons, Amended Summons, Preliminary Pretrial Order, and Amended Preliminary Pretrial Order on the dates and in the manners referenced in the proofs of service filed herein. (*See* Dkt. 4; Dkt. 8; Dkt. 9).

4. As of today's date, the Defendants have not filed an answer or otherwise responded to the Plaintiff's initial or amended complaint.

5. The Defendants are neither minors nor incompetent. As stated in the attached Declaration, after searching the Department of Defense Manpower Data Center, to the best of Plaintiff's knowledge, neither Defendant is currently engaged in the military service. At no time during the related bankruptcy case did the Defendants or their attorneys state or otherwise represent that they are members of the military.

6. Rule 55(a) of the Federal Rules of Civil Procedure allows a party to apply to the Court for entry of a default judgment.

7. The Plaintiff's complaint asks the Court to enter judgment denying the Defendants' discharges.

8. In light of the Defendants' failure to respond to the Plaintiff's amended complaint in this adversary proceeding, the Plaintiff respectfully requests that the Court enter a default judgment against the Defendants pursuant to Rule 55(b) of the Federal

Rules of Civil Procedure and enter an order denying their discharges pursuant to 11 U.S.C. §§ 727(a)(2)-(4) and (6).

Dated: February 24, 2023.

Respectfully submitted,

PATRICK S. LAYNG  
United States Trustee

By: /s/ Brian P. Thill  
BRIAN P. THILL  
Attorney for the United States Trustee

Office of the United States Trustee  
780 Regent Street, Suite 304  
Madison, WI 53715  
(608) 264-5522  
Brian.P.Thill@usdoj.gov

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MARILYN ANN BELLCOUR, )  
)  
Defendants. )

**NOTICE OF PLAINTIFF'S MOTION FOR ENTRY OF  
DEFAULT AND DEFAULT JUDGMENT**

TO: Charles Marcell Bellcour Marilyn Ann Bellcour  
W8049 High Ridge Road W8049 High Ridge Road  
Fort Atkinson, WI 53538 Fort Atkinson, WI 53538

**PLEASE TAKE NOTICE** that the Plaintiff hereby moves the court for entry of default and a default judgment. A copy of the motion for entry of default and default judgment and the Declaration of Brian P. Thill is attached hereto.

Your rights may be affected. You should read the motion papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to enter an order granting the relief requested, or if you want the court to consider your views on the motion, then you must attend the hearing scheduled for **March 14, 2023, at 1:30 p.m.** by calling the Court conference line at **1-877-336-1828, access code 8588228#.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order approving same.

Dated: February 24, 2023.

Respectfully submitted,

PATRICK S. LAYNG  
United States Trustee

By: /s/ Brian P. Thill  
BRIAN P. THILL  
Attorney for the United States Trustee

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